

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SPECIAL SESSION

LEGISLATIVE BILL 16

Introduced by Thompson, 14

Read first time July 30, 2002

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Highway Trust Fund; to amend section
2 81-2004.02, Reissue Revised Statutes of Nebraska, and
3 section 39-2215, Reissue Revised Statutes of Nebraska, as
4 amended by Laws 2002, LB 989, section 7; to change
5 allocation of the fund; to provide an operative date; to
6 repeal the original sections; and to declare an
7 emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-2215, Reissue Revised Statutes of
2 Nebraska, as amended by Laws 2002, LB 989, section 7, is amended to
3 read:

4 39-2215. (1) There is hereby created in the state
5 treasury a special fund to be known as the Highway Trust Fund.

6 (2) All funds credited to the Highway Trust Fund pursuant
7 to sections 66-4,140, 66-4,147, 66-669, and 66-6,108, and related
8 penalties and interest, shall be allocated as provided in such
9 sections. The State Treasurer shall make the transfer to the
10 General Fund required by section 66-499.

11 (3) All other motor vehicle fuel taxes, diesel fuel
12 taxes, compressed fuel taxes, and alternative fuel taxes related to
13 highway use retained by the state, all motor vehicle registration
14 fees retained by the state other than those fees credited to the
15 State Recreation Road Fund pursuant to section 60-302, and other
16 highway-user taxes imposed by state law and allocated to the
17 Highway Trust Fund, except for the proceeds of the sales and use
18 taxes derived from motor vehicles, trailers, and semitrailers
19 credited to the fund pursuant to section 77-27,132, are hereby
20 irrevocably pledged for the terms of the bonds issued prior to
21 January 1, 1988, to the payment of the principal, interest, and
22 redemption premium, if any, of such bonds as they mature and become
23 due at maturity or prior redemption and for any reserves therefor
24 and shall, as received by the State Treasurer, be deposited in the
25 fund for such purpose.

26 (4) Of the money in the fund specified in subsection (3)
27 of this section which is not required for the use specified in such
28 subsection, (a) an amount equal to three dollars times the number

1 of motorcycles registered during the previous month shall be placed
2 in the Motorcycle Safety Education Fund, (b) an amount to be
3 determined annually by the Legislature through the appropriations
4 process may be transferred to the Motor Fuel Tax Enforcement and
5 Collection Cash Fund for use as provided in section 66-738 on a
6 monthly or other less frequent basis as determined by the
7 appropriation language, (c) an amount to be determined annually by
8 the Legislature through the appropriations process shall be
9 transferred to the License Plate Cash Fund as needed to meet the
10 current obligations associated with the manufacture of license
11 plates and stickers or tabs provided for in sections 60-311,
12 60-311.02, and 60-1804, as certified by the Director of Motor
13 Vehicles, and (d) the remaining money may be used for the purchase
14 for retirement of the bonds issued prior to January 1, 1988, in the
15 open market.

16 (5) The State Treasurer shall monthly transfer, from the
17 proceeds of the sales and use taxes credited to the Highway Trust
18 Fund and any money remaining in the fund after the requirements of
19 subsections (2) through (4) of this section are satisfied, (a)
20 thirty thousand dollars to the Grade Crossing Protection Fund and
21 (b) the amount calculated pursuant to section 13-1210 for financing
22 the operating costs of public transportation systems to the Highway
23 Cash Fund.

24 (6) Except as provided in subsection (7) of this section,
25 the balance of the Highway Trust Fund shall be allocated
26 ~~fifty-three~~ forty-eight and one-third percent, less the amount
27 provided for in section 39-847.01, to the Department of Roads,
28 twenty-three and one-third percent, less the amount provided for in

1 section 39-847.01, to the various counties for road purposes, ~~and~~
2 twenty-three and one-third percent to the various municipalities
3 for street purposes, and five percent to the Nebraska State Patrol
4 Cash Fund. If bonds are issued pursuant to subsection (2) of
5 section 39-2223, the portion allocated to the Department of Roads
6 shall be credited monthly to the Highway Restoration and
7 Improvement Bond Fund, and if no bonds are issued pursuant to such
8 subsection, the portion allocated to the department shall be
9 credited monthly to the Highway Cash Fund. The portions allocated
10 to the counties and municipalities shall be credited monthly to the
11 Highway Allocation Fund and distributed monthly as provided by law.
12 The portion allocated to the Nebraska State Patrol shall be
13 credited monthly to the Nebraska State Patrol Cash Fund. Vehicles
14 accorded prorated registration pursuant to section 60-305.09 shall
15 not be included in any formula involving motor vehicle
16 registrations used to determine the allocation and distribution of
17 state funds for highway purposes to political subdivisions.

18 (7) If it is determined by December 20 of any year that a
19 county will receive from its allocation of state-collected highway
20 revenue and from any funds relinquished to it by municipalities
21 within its boundaries an amount in such year which is less than
22 such county received in state-collected highway revenue in calendar
23 year 1969, based upon the 1976 tax rates for highway-user fuels and
24 registration fees, the Department of Roads shall notify the State
25 Treasurer that an amount equal to the sum necessary to provide such
26 county with funds equal to such county's 1969 highway allocation
27 for such year shall be transferred to such county from the Highway
28 Trust Fund. Such makeup funds shall be matched by the county as

1 provided in sections 39-2501 to 39-2510. The balance remaining in
2 the fund after such transfer shall then be reallocated as provided
3 in subsection (6) of this section.

4 (8) The State Treasurer shall disburse the money in the
5 Highway Trust Fund as directed by resolution of the commission.
6 All disbursements from the fund shall be made upon warrants drawn
7 by the Director of Administrative Services. Any money in the fund
8 available for investment shall be invested by the state investment
9 officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act and the earnings, if any,
11 credited to the fund.

12 Sec. 2. Section 81-2004.02, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-2004.02. There is hereby created the Nebraska State
15 Patrol Cash Fund. Money from this fund shall be used to defray
16 expenses incident to the administration of the Nebraska State
17 Patrol. All funds received by the Nebraska State Patrol for
18 services rendered shall be remitted to the State Treasurer for
19 credit to the Nebraska State Patrol Cash Fund. Such fund shall be
20 administered by the Superintendent of Law Enforcement and Public
21 Safety. Any money in the fund available for investment shall be
22 invested by the state investment officer pursuant to the Nebraska
23 Capital Expansion Act and the Nebraska State Funds Investment Act.

24 Allowable uses of the fund shall include, but not be
25 limited to, defraying the cost of:

26 (1) The vehicle identification inspection program
27 established in sections 60-118 to 60-127;

28 (2) Investigations of odometer and motor vehicle fraud,

1 motor vehicle licensing violations, and motor vehicle theft; ~~and~~

2 (3) Other investigative expenses when money is
3 specifically appropriated by the Legislature for such purposes; and

4 (4) Law enforcement, to the extent the funds were
5 allocated under section 39-2215.

6 Sec. 3. This act becomes operative on October 1, 2002.

7 Sec. 4. Original section 81-2004.02, Reissue Revised
8 Statutes of Nebraska, and section 39-2215, Reissue Revised Statutes
9 of Nebraska, as amended by Laws 2002, LB 989, section 7, are
10 repealed.

11 Sec. 5. Since an emergency exists, this act takes effect
12 when passed and approved according to law.